

WT 96-198

Center for *Independent Living*

LEAP/CIL

Empowering individuals with disabilities in making significant life choices and changes to enhance their employment and independent living opportunities.

Linking Employment, Abilities & Potential

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Federal Communications Commission
Office of the Secretary,
1919 M Street, NW, Room 222
Washington, D.C. 20554
June 22, 1998

RECEIVED

Dear Sir or Madam:

Re: FCC's rules proposing to enforce Section 255 of the Telecommunications Act

In the Telecommunications Act, Congress gave the Architectural and Transportation Barriers Compliance Board (Access Board) the primary authority to write accessibility guidelines for telecommunications equipment manufacturers. Congress also gave the FCC the authority to enforce those guidelines, and to enforce the requirements of Section 255 for telecommunications service providers. The guidelines suggest ways for the manufacturers to achieve access in the design of their products and require product information and instructions to be accessible to people with disabilities.

It is **VERY IMPORTANT** that the FCC adopt the complete Access Board Section 255 guidelines for BOTH manufacturers and service providers. These guidelines are needed to provide clear guidance on the obligations of companies to make their products and services accessible. Telecommunications access is important to me because I have many friends and consumers of our Center for Independent Living who are Deaf and need these guidelines to assist in their independence. These FCC decisions will have a tremendous impact on the accessibility of telephone equipment and services for many years to come.

The Americans with Disabilities Act (ADA) requires certain buildings to be accessible if achieving such access is "readily achievable." The term "readily achievable" has a long history to it, and for the most part involves a balancing of the costs of providing access with the overall financial resources of the company which must provide such access. Congress adopted the "readily achievable" concept in Section 255 of the Telecommunications Act. Specifically, Section 255 requires telecommunications providers and manufacturers to provide access where it is readily achievable to do so.

I oppose allowing companies to consider the extent to which the costs of providing access will be recovered. Allowing this as a "readily achievable" factor would defeat the purposes of Section 255. Allowing a company to consider whether it will recover the costs of achieving such access has never been permitted under other disability laws. The only reason we needed an accessibility law such as Section 255 is because the market did HOT respond to the needs of people with disabilities. PLEASE follow the definition of "readily achievable" as it had been defined in the ADA.



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Congress could not have intended to eliminate "enhanced services" from the scope of Section 255. These services are very important and widely used. Enhanced **services** generally include more advanced telecommunications services, such as voice mail, electronic mail, interactive voice response systems (which use telephone prompts), and audiotext information. The whole purpose of Section 255 was TO EXPAND telecommunications access. If these services are excluded, then people with a variety of disabilities will remain SECOND CLASS CITIZENS with respect to new telecommunications technological advances.

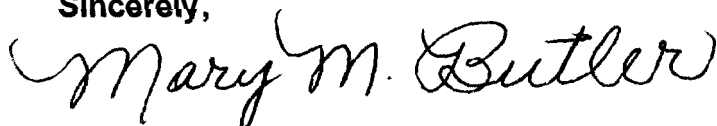
Telecommunications have already had a major impact on the ability and opportunity for people with disabilities to learn, work, and participate in the community. Moreover, just as telecommunications is becoming increasingly important in the lives of Americans generally, so also is its significance in the lives of people with disabilities is destined to grow. If these services are not REQUIRED to be accessible, people with disabilities will continue to have fewer employment opportunities, and will NOT be able to fully participate in today's society. PLEASE cover "enhanced services" because coverage of these **services** is CRITICAL to full telecommunications access.

The FCC will enforce Section 255 with a complaint process. I support the following proposals by the FCC:

- There should be no filing fees for informal or formal complaints with the FCC against either manufacturers or **service** providers. Waiving these fees would be in the public interest.
- There should not be any time limit for filing complaints, because one never knows when he or she will discover that a product or service is inaccessible.
- Consumers with disabilities should be able to submit complaints by any accessible means available.
- Manufacturers and service providers should be required to establish contact points in their companies that are accessible to consumers with **disabilities**.

Telecommunications access is TREMENDOUSLY important to people with disabilities. PLEASE make sure that the final rules released by the FCC are strong enough TO TRULY MAKE A DIFFERENCE in the way people with disabilities can use telecommunications. Thank you.

Sincerely,



Mary M. Butler, LEAP/CIL Advocacy & Outreach Coordinator

Cc: Congressman Sherrod Brown
Senator Michael DeWine

Senator John Glenn
Ohio Representative John Bender